

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :  
v. : **Criminal No. 09-773 (Schiller, J.)**

GERRY MCKENZIE :  
UNITED STATES OF AMERICA :  
v. : **Criminal No. 09-774 (Jones, II, J.)**

JOHN D'AGOSTINO :  
UNITED STATES OF AMERICA :  
v. : **Criminal No. 09-775 (Kelly, J.)**

CRAIG STECKEL :  
UNITED STATES OF AMERICA :  
v. : **Criminal No. 09-776 (Surrick, J.)**

ROY LANGLEY :  
UNITED STATES OF AMERICA :  
v. : **Criminal No. 09-777 (Schiller, J.)**

JOSEPH ANTHONY SALVATO :  
UNITED STATES OF AMERICA :  
v. : **Criminal No. 10-194 (Slomsky, J.)**

RALPH JOHN HIGHLEY :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 10-195 (DuBois, J.)**

**DANIEL THOMAS SULLIVAN** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 10-718 (Savage, J.)**

**CHRISTOPHER YOUNG** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 10-719 (Jones, II, J.)**

**RICHARD SOMMERS** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 10-720 (Rufe, J.)**

**ROBERT S. BROMLEY** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 10-721 (Brody, J.)**

**WILLIAM J. CORCORAN, JR.** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-519 (McLaughlin, J.)**

**STEPHEN ELLIS** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-520 (Pratter, J.)**

**WILLIAM MANN** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-521 (Surrick, J.)**

**JOHN FITZPATRICK** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-522 (Robreno, J.)**

**MARGARET MOZZANI** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-523 (DuBois, J.)**

**AMANDA JARRELL** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-524 (Rufe, J.)**

**CHARLES HAUX** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-525 (Davis, J.)**

**JOHN SULLIVAN** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-526 (Stengel, J.)**

**JOHN MOZZANI** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-527 (Jones, II, J.)**

**KEVIN BISHOP** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-528 (Slomsky, J.)**

**MARK REESE** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-529 (Savage, J.)**

**MARK ROBERTSON** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-530 (Sanchez, J.)**

**FRANCIS KING** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-571 (Schiller, J.)**

**WILLIAM WALLACE WILSON** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-572 (Brody, J.)**

**DARRYL PURFIELD** :

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**UNITED STATES OF AMERICA** :  
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**ANDY DURIS** :

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**VINCENT JOSEPH DEMSKY** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-578 (Sanchez, J.)**

**THEODORE BATTISTA** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-579 (Slomsky, J.)**

**GEORGE ANTHONY TORRES, III** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-580 (Dalzell, J.)**

**JAMES SWAN** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-581 (Davis, J.)**

**JOHN FRANCIS SHALKOWSKI** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-582 (Tucker, J.)**

**MICHAEL PATTERSON** :

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**UNITED STATES OF AMERICA** :  
v. : **Criminal No. 11-583 (Savage, J.)**

**VICTOR PHILLIP** :

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UNITED STATES OF AMERICA :  
v. : **Criminal No. 11-585 (Stengel, J.)**

WILLIAM BRIAN SUMMERS :

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2011, upon consideration  
of the Motion to Consolidate the above-listed cases for the purposes of individual disposition and  
sentencing, it is hereby

**ORDERED**

that the motion is granted, and that the above-listed cases, presently pending before the above-  
listed United States District Judges, are hereby transferred to the Honorable \_\_\_\_\_.

**BY THE COURT:**

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**HONORABLE J. CURTIS JOYNER**  
*Chief Judge, United States District Court*

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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**WILLIAM BRIAN SUMMERS** :

**GOVERNMENT'S MOTION TO CONSOLIDATE**

The United States of America, by its undersigned attorneys, hereby respectfully moves the Court to consolidate the above-listed cases for the purposes of individual disposition and sentencing.

In support of this motion the government states:

1. On December 9, 2009, a federal grand jury returned five separate indictments – United States v. Gerry McKenzie, Criminal No. 09-773 (Schiller, J.); United States v. John D'Agostino, Criminal No. 09-774 (Jones, II, J.); United States v. Craig Steckel, Criminal No. 09-775 (Kelly, J.); United States v. Roy Langley, Criminal No. 09-776 (Surrick, J.); and United States v. Joseph Anthony Salvato, Criminal No. 09-777 (Schiller J.) – against individuals charged with the separate illegal distribution of prescription controlled substances, including oxycodone and fentanyl. The charges arose from a single investigation into illegal prescription drug trafficking at the Boeing Company's Ridley Park facility, located in Delaware County, Pennsylvania.

2. At the time of the initial filing of these five indictments, the United States District Court did not have in place the current “Related Case Rule,” Local Criminal Rule of Procedure 50.1, which was made effective on February 1, 2010. This rule requires that, “at the time of the filing of any criminal indictment or information, counsel for the government shall indicate whether a case is related to any other prior or pending action in this court. Criminal

cases are deemed related if a defendant or defendants are alleged to have participated in the same action or transaction, or in the same series of acts or transaction, constituting an offense or offenses.” Local Rule Crim. P. 50.1(d)(3).

3. Thereafter, the government separately indicted or charged by information an additional 32 individuals as follows:

A. Indictments filed on March 31, 2010

United States v. Ralph John Highley, Criminal No. 10-194

United States v. Daniel Thomas Sullivan, Criminal No. 10-195

B. Superseding Indictments filed on November 3, 2010

United States v. Craig Steckel, Criminal No. 09-775

United States v. Daniel Thomas Sullivan, Criminal No. 10-195

C. Indictments filed on November 3, 2010

United States v. Christopher Young, Criminal No. 10-718

United States v. Richard Sommers, Criminal No. 10-719

United States v. Robert S. Bromley, Criminal No. 10-720

United States v. William J. Corcoran, Jr., Criminal No. 10-721

D. Indictments filed on September 14, 2011

United States v. Stephen Ellis, Criminal No. 11-519

United States v. William Mann, Criminal No. 11-520

United States v. John Fitzpatrick, Criminal No. 11-521

United States v. Margaret Mozzani, Criminal No. 11-522

United States v. Amanda Jarrell, Criminal No. 11-523

United States v. Charles Haux, Criminal No. 11-524

United States v. John Sullivan, Criminal No. 11-525

United States v. John Mozzani, Criminal No. 11-526

United States v. Kevin Bishop, Criminal No. 11-527

United States v. Mark Reese, Criminal No. 11-528

United States v. Mark Robertson, Criminal No. 11-529

United States v. Francis King, Criminal No. 11-530

E. Superseding Indictments filed on September 14, 2011

United States v. William J. Corcoran, Jr., Criminal No. 10-721

F. Superseding Indictments filed on September 28, 2011

United States v. Stephen Ellis, Criminal No. 11-519

United States v. William Mann, Criminal No. 11-520

United States v. Mark Robertson, Criminal No. 11-529

United States v. Francis King, Criminal No. 11-530

G. Second Superseding Indictment filed on September 28, 2011

United States v. Daniel Thomas Sullivan, Criminal No. 10-195

H. Informations filed on September 28, 2011

United States v. William Wallace Wilson, Criminal No. 11-571

United States v. Darryl Purfield, Criminal No. 11-572

United States v. Andy Duris, Criminal No. 11-573

United States v. Michael Homer, Criminal No. 11-574

United States v. Jeffrey Lynn Forbes, Criminal No. 11-575

United States v. Thomas Alfred Lees, Criminal No. 11-576

United States v. Vincent Joseph Demsky, Criminal No. 11-577

United States v. Theodore Battista, Criminal No. 11-578

United States v. George Anthony Torres, III, Criminal No. 11-579

United States v. James Swan, Criminal No. 11-580

United States v. John Francis Shalkowski, Criminal No. 11-581

United States v. Michael Patterson, Criminal No. 11-582

United States v. Victor Phillip, Criminal No. 11-583

United States v. William Brian Summers, Criminal No. 11-585

4. All of the defendants listed in paragraph 3 are also charged with the separate illegal distribution of prescription controlled substances, including oxycodone and fentanyl, that arose from the investigation into illegal prescription drug trafficking at the Boeing Company's Ridley Park facility, located in Delaware County, Pennsylvania.

5. Each of the 37 above-listed indictments/informations was unimpounded on September 29, 2011, and 36 of the defendants were arrested that day.

6. Although each of the 37 above-listed cases involves unique evidence, there is evidence common to all cases, including Rule 16 discovery materials. Furthermore, if each case were to go to trial, there would be a significant volume of overlapping evidence and witness testimony presented by the government. Accordingly, defendants in each case may present to the various assigned Judges common motions and legal issues needing resolution that are the same or similar to those presented in the other cases.

7. In light of the significant volume of overlapping evidence, the fact that each of the 37 cases arose from a common investigation, and the fact that the government and defendants would benefit from having one Judge resolve any common motions or legal issues, the government believes that these cases are "related" under the present Local Rule Crim. P.

50.1, and the interests of judicial economy would be strongly promoted by consolidating all of the cases in front of a single Judge of this Court.

WHEREFORE, the government respectfully requests that the above-listed indictments and informations, pending before the above-listed Judges, be transferred to the a single Judge of this Court for purposes of individual disposition and sentencing.

ZANE DAVID MEMEGER  
*United States Attorney*

/s/  
FAITHE MOORE TAYLOR  
ASHLEY K. LUNKENHEIMER  
*Assistant United States Attorneys*

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Consolidate has been filed electronically on the above-listed dockets, resulting in electronic notification of the motion to any counsel who has entered an appearance in one of the above-listed cases.

Date: October 7, 2011